

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KYLE BRANDON RICHARDS,

Plaintiff,

vs.

Case No. 18-CV-13300  
HON. GEORGE CARAM STEEH

KOEI TECMO, INC., et al.,

Defendants.

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**ORDER DENYING SECOND MOTION**  
**FOR RECONSIDERATION [ECF No. 13]**

Pro se plaintiff Kyle Richards filed a complaint in Monroe County Circuit Court alleging that defendants committed “unlawful market restraint” while acting in “combination” with one another, creating “unfair market consolidation” and causing “obscene price tags” on their products. On October 22, 2018, defendant Koei Tecmo, Inc. filed a notice of removal to this court on the basis that the complaint alleged violation of federal law, specifically the Sherman Antitrust Act, 15 U.S.C. § 1. Koei Tecmo neglected to seek consent of co-defendants and, after filing the removal notice, was advised that co-defendants would not consent to removal as required by 28 U.S.C. § 1446(b)(2)(A). The court entered an order

remanding the case back to the Monroe County Circuit Court for lack of subject matter jurisdiction.

Plaintiff filed a motion for reconsideration of the remand order, stating a desire to amend his complaint to add federal claims so the court could retain jurisdiction. The court denied plaintiff's motion and informed him that it no longer had jurisdiction over the case.

The matter is presently before the court on plaintiff's second motion for reconsideration. In the motion plaintiff inquires if he will be able to bring a future antitrust action against the same defendants in federal court. Plaintiff is essentially asking the court for legal advice or an advisory opinion about a matter that is not currently pending. The Constitution prohibits courts from issuing advisory opinions about disputes not presently pending before them. *Campbell-Ewald Co. v. Gomez*, 136 S. Ct. 663, 678 (2016) (citations omitted). Suffice it to say that where this or any plaintiff may file a future lawsuit will depend on the nature of the lawsuit.

IT IS HEREBY ORDERED that plaintiff's second motion for reconsideration is DENIED.

Dated: June 13, 2019

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on June 13, 2019, by electronic and/or ordinary mail and also on Kyle Brandon Richards #641715, Baraga Maximum Correctional Facility, 13924 Wadaga Road, Baraga, MI 49908.

s/Barbara Radke  
Deputy Clerk